

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA,

Plaintiff,

v.

DENNIS D. CARSON,

Defendant.

Criminal Action No. 06-116

MOTION FOR COMPETENCY EVALUATION

NOW COMES the United States of America, by and through its undersigned attorneys, and hereby moves for a competency examination of the defendant at a suitable federal facility, and in support thereof states as follows:

1. There is reasonable cause to believe that the defendant may presently be suffering from a mental disease or a mental defect rendering him mentally incompetent to the extent that he is unable to stand trial or properly assist in his defense.
2. During an October 26, 2006, interview with United States Probation Officer Frank Kurzeknabe, the defendant stated that he heard voices in his head telling him to hurt people, and that he had previously been diagnosed with a mental illness. Furthermore, in the letter sent by the defendant on October 10, 2006, which provides the basis for the underlying charges, he stated:

I cannot even begin to count the number of times I have been a guest at the State hospital. For a lot of years every time I went to sleep I would start hearing helicopters after what Kathy Kuakalski did to me I started back hearing helicopters again when I try to sleep. I have suffered from depression for a lot of years and anti depressant drugs do nothing for my

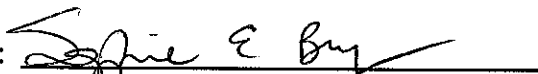
type of depression, electric shock treatment has helped me some. What I suffer from is soul sickness. When I leave this world it will be a relief. . . . I have absolutely no fear of death and that is not a threat either, and I would gladly choose to put a hollow point bullet through my head before I would be returned to prison.

The defendant's statements evidence delusions and paranoia that provide reasonable cause to believe that the defendant presently suffers from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and the consequences of the proceedings against him or to assist properly in his defense.

3. Pursuant to 18 U.S.C. §§ 4241 and 4247(b), the United States requests that the defendant be committed to the custody of the Attorney General for a term of thirty (30) days for placement at a suitable federal facility for the purpose of having a complete and thorough medical study to include a physical, psychiatric, psychological, and/or neurological examination of the defendant to aid in the determination of his competency to stand trial.

WHEREFORE, the United States respectfully requests that the Court order a competency examination, and enter the attached proposed Order.

COLM F. CONNOLLY
United States Attorney

By: 
Sophie E. Bryan
Assistant United States Attorney

Dated: October 27, 2006

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA,

Plaintiff,

v.

DENNIS D. CARSON,

Defendant.

Criminal Action No. 06-116

ORDER

WHEREAS, the defendant has been charged by criminal complaint and indictment with a violation of federal law, and

WHEREAS, the government requests a competency examination of the defendant at a suitable federal facility, and

WHEREAS, the Court finds there is reasonable cause to believe the defendant may presently be suffering from a mental disease or mental defect rendering him mentally incompetent to the extent that he is unable to understand the nature and the consequences of the proceedings against him or to properly assist in his defense.

IT IS HEREBY ORDERED this _____ day of ____, 2006, pursuant to 18 U.S.C. §§ 4241 and 4247(b) that Dennis D. Carson shall forthwith be committed to the custody of the Attorney General for a term of thirty (30) days for placement at a suitable federal facility for the purpose of having a complete and thorough medical study to include a physical, psychiatric, psychological, and/or neurological examination of the defendant to aid in the determination of his competency to stand trial and assist in his defense.

IT IS FURTHER ORDERED that a psychiatric, psychological, or medical study report be prepared by the examiner and that a report be filed with the Court. The report shall include the following:

1. Mr. Carson's history and present symptoms;
2. A description of the psychiatric, psychological, neurological, and medical tests that were employed and their results to properly inform the Court if Mr. Carson is experiencing a psychiatric, psychological, neurological and/or medical problem.
3. The examiner's findings.
4. The examiner's opinions as to diagnosis, prognosis, and appropriate correctional treatment.
5. The examiner's opinions as to whether Mr. Carson is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

HONORABLE MARY PAT THYNGE
United States Magistrate Judge